



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on October 23, 2018.

Date of Meeting: March 20, 2018

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:32 p.m., on Tuesday, March 20, 2018, all members having been notified of the time and place thereof.

1. **ROLL CALL**

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Vice Mayor, Council Member Ward 2
Paul Durham	Council Member Ward 3
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Michael J. Ortega	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE AND APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

a. INVOCATION

The invocation was given by Pastor Robin Blumenthal, Pantano Christian Church.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was presented by the entire assembly.

c. PRESENTATIONS:

1. Mayor Rothschild proclaimed March 31, 2018 to be "Stop the Bleed Day."
2. Mayor Rothschild proclaimed March 2018 to be "Brain Injury Awareness Month."

d. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 88, dated March 20, 2018, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to approve the appointment of Amanda Jean Monroy and MaryAnn Phininzy to the Pima County / Tucson Women's Commission (PCTWC).

Mayor Rothschild asked if there were any personal appointments to be made.

There were none.

3. MAYOR AND COUNCIL/CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 84, dated March 20, 2018, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council and the City Manager to report on current events and asked if there were any reports.

Current event reports were provided by Vice Mayor Cunningham, Council Members Romero, Durham, and Fimbres.

No report was given by the City Manager.

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. BOARDS, COMMITTEES AND COMMISSIONS: REPORTS TO MAYOR AND COUNCIL

Mayor Rothschild announced City Manager's communication number 85, dated March 20, 2018, was received into and made part of the record. He also announced this was the time scheduled to allow Boards, Committees and Commissions to report on their activities during the past year, as well as, anticipated future activities.

Reports were given Paul Lovelis, Metropolitan Education Commission (MEC).

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 94, dated March 20, 2018, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. El Patron Bar & Grill, Ward 1
4581 S. 12th Ave.
Applicant: Javier Ramos Mora
Series 12, City 5-18
Action must be taken by: March 18, 2018

Planning & Development Services Department and Revenue Division- Investigations have indicated the applicant is in compliance with city requirements.

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

This item was considered separately.

2. Hoki Poki, Ward 2
6501 E. Grant Rd. #121
Applicant: Bin An
Series 12, City 6-18
Action must be taken by: March 18, 2018

Staff has indicated the applicant is in compliance with city requirements.

3. Garage on 4th, Ward 6
802 N. 4th Ave.
Applicant: William Mac Conway
Series 12, City 8-18
Action must be taken by: March 23, 2018

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer(s)

4. Henry's Market, Ward 5
3051 E. 36th St.
Applicant: Chung Ming Lee
Series 9, City 7-18
Action must be taken by: March 18, 2018

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

c. Special Event(s)

1. St. Joseph Parish, Ward 6
215 S. Craycroft Rd.
Applicant: Mathias Peter Wirtz
City T27-18
Date of Event: May 4, 2018 - May 5, 2018
(Social Event)

Staff has indicated the applicant is in compliance with city requirements.

2. Tucson Symphony Society, Ward 3
2175 N. 6th Ave.
Applicant: Terresa M. Tauzin
City T28-18
Date of Event: April 7, 2018
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

3. Borderlands Theater, Ward 6
151 S. Granada Ave.
Applicant: Patricia Moran Benton
City T29-18
Date of Event: April 8, 2018
(Spring Tardeada)

Staff has indicated the applicant is in compliance with city requirements.

4. Hannah's Hill Enterprises LLC, Ward 6
160 S. Scott Ave.
Applicant: Ann Gardner
City T30-18
Date of Event: April 6, 2018
(Time Traveler's Masquerade)

Staff has indicated the applicant is in compliance with city requirements.

5. Satori, Inc., Ward 3
3727 N. 1st Ave.
Applicant: Joanna H. Honea
City T31-18
Date of Event: April 21, 2018
(Annual Auction Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

6. La Frontera Center - Sonora House, Ward 3
1102 W. Grant Rd.
Applicant: Kathy Guzman Wells
City T32-18
Date of Event: April 7, 2018
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

7. Cystic Fibrosis Foundation, Ward 6
134 S. 5th Ave.
Applicant: MeMe Aguila
City T33-18
Date of Event: April 10, 2018
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

8. St. Mark's Presbyterian Church, Ward 6
3809 E. 3rd St.
Applicant: Alicia Diane Durbin
City T34-18
Date of Event: April 13, 2018
(2018 Spring Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

9. Tucson Desert Art Museum, Ward 2
7000 E. Tanque Verde Rd.
Applicant: Rhonda Smith
City T35-18
Date of Event: March 23, 2018
(Fundraiser)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control/Restructure

1. Z Market, Ward 3
2795 N. 1st Ave.
Applicant: Jehad Kayed Musall Salim
Series 10, City AC2-18
Action must be taken by: March 31, 2018

Staff has indicated the applicant is in compliance with city requirements.

2. Iron John's Brewing Company, Ward 6
245 S. Plumer Ave. #27
Applicant: Kevin Arnold Kramber
Series 3, City AC3-18
Action must be taken by: March 31, 2018

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Fimbres, duly seconded, and carried by a voice vote of 7 to 0, to forward Items 5b2 through 5b4, 5c1 through 5c9, and 5d1 through 5d2 to the Arizona State Liquor Board with a recommendation for approval.

5. LIQUOR LICENSE APPLICATIONS

b. Liquor License Application(s)

New License(s)

1. El Patron Bar & Grill, Ward 1
4581 S. 12th Ave.
Applicant: Javier Ramos Mora
Series 12, City 5-18
Action must be taken by: March 18, 2018

Planning & Development Services Department and Revenue Division-Investigations have indicated the applicant is in compliance with city requirements.

Tucson Police Department has indicated the applicant is not in compliance with city requirements.

Mayor Rothschild announced the item to be considered separately was Item 5b1, El Patron Bar & Grill, located in Ward 1.

Council Member Romero stated the report from Planning & Development Services Department and Revenue Division-Investigations indicated the applicant was in compliance with city requirements but the report from the Tucson Police Department (TPD) had indicated the applicant was not in compliance with city requirements. She invited a representative from TPD to come forward and explain.

Lieutenant Frank Hand, Tucson Police Department Commander over Special Investigations, along with Detective Steve Wilson gave a detailed explanation of their findings in the investigation on the background check of Javier Ramos Mora. He said there were concerns on two questions that Mr. Ramos was not forthright in answering which he specifically addressed regarding the sale of alcoholic beverages to under aged persons and false or misleading information on his application.

Mr. Hand also said that TPD felt the application submitted was not in compliance with ARS 4-203a, and that the applicant did not demonstrate that he was capable qualified and reliable. The department felt that the best interest of the community would not be substantially served by the issuance of this license.

Council Member Romero asked if the applicant was present and to come forward.

Eddie Rodriguez, representing Javier Ramos Mora, applicant of El Patron, spoke citing that Mr. Mora had gone through six liquor applications without any issues. He also said that when the issue came up of the discrepancy on the application they immediately

contacted the Arizona Department of Liquor License and Control (ADLLC) to amend the application.

Council Member Romero said she wanted to make the motion that they deny the approval of the liquor license based on TPD's recommendation. She said she wanted to make sure the all the reports and comments from the investigation were forwarded to the Department of Liquor License and Control.

Michael Rankin, City Attorney, replied if that was the Mayor and Council's intent, as part of the motion, she would need to refer to the basis for her motion to recommend a denial based on the testimony and evidence presented by the TPD representatives and to make sure staff includes that information forwarded DLLC as part of the further proceedings.

It was moved by Council Member Romero, duly seconded, and carried by a voice vote of 7 to 0, to forward liquor license application 5b1 to the Arizona State Liquor Board with a recommendation for denial, based on the testimony and evidence presented by the Tucson Police Department (TPD) representatives.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience."

Comments were made by:

Tony Archibald
Mary Kelso

Raquel Baranow
Lauren Klinkhamer

Felicia Chew

A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH K

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager MAR20-18-86 CITY WIDE
 2. Mayor and Council Regular Meeting Minutes of September 6, 2017
 3. Mayor and Council Study Session Legal Action Report and Minutes of September 6, 2017
 4. Mayor and Council Regular Meeting Minutes of September 19, 2017
 5. Mayor and Council Study Session Legal Action Report and Minutes of September 19, 2017
- b. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR THE SULLIVAN JACKSON EMPLOYMENT CENTER CONTINUUM OF CARE GRANT - ECHO PERMANENT SUPPORTIVE HOUSING PROGRAM
1. Report from City Manager MAR20-18-89 CITY WIDE
 2. Resolution No. 22874 relating to Intergovernmental Agreements (IGA); authorizing and approving the execution of an IGA between the City of Tucson (City) and Pima County Community Resources Employment and Training (CSET) for Sullivan Jackson Employment Center under the Continuum of Care (COC) Grant; and declaring an emergency.
- c. TUCSON CODE: AMENDING (CHAPTER 10) FISCAL YEAR 2018 COMPENSATION PLAN, CREATING A NEW CLASSIFICATION, PAY GRADE, AND UNCLASSIFIED POSITION, AMENDING ORDINANCE 11464
1. Report from City Manager MAR20-18-96 CITY WIDE
 2. Ordinance No. 11535 relating to Compensation Plan; Tucson Code Chapter 10, Civil Service - Human Resources, Article II, Compensation Plan, Section 10-31, Amending Ordinance No. 11464 to approve the revised compensation schedule, establishing a new classification and pay grade 825 for Executive Management Professional employees appointed by the City Manager, creating a new unclassified position Administrative Services Officer at pay grade 850; otherwise reaffirming the provisions of Ordinance No. 11464; setting an effective date.
- d. FINAL PLAT: (S17-065) SAM HUGHES COURT, LOTS 1 THROUGH 12, AND COMMON AREAS "A" AND "B"
1. Report from City Manager MAR20-18-90 WARD 6

2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- e. FINAL PLAT: (S17-058) NWC ORACLE ROAD AND LIMBERLOST DRIVE, LOTS 1 THROUGH 3
1. Report from City Manager MAR20-18-91 WARD 3
 2. Staff recommends that the Mayor and Council approve the plat as presented. The applicant is advised that building/occupancy permits are subject to the availability of water/sewer capacity at the time of actual application.
- f. PRE-ANNEXATION AND DEVELOPMENT AGREEMENT: WITH TITLE SECURITY AGENCY LLC, TRUST 201543-S, OWNER OF PARCELS 141-07-0260, 141-07-0270, 141-07-0280, 141-07-0220 AND 141-07-0300, FOR WATER SERVICE
1. Report from City Manager MAR20-18-97 WARD 4 AND OUTSIDE CITY
 2. Resolution No. 22875 relating to Pre-Annexation and Development Agreements; authorizing and approving the execution of a Pre-Annexation and Development Agreement between the City of Tucson and Title Security Agency LLC Trust 201543-S, owners of Parcel Nos. 141-07-0260, 141-07-0270, 141-07-0280, 141-07-0220 and 141-07-0300.
- g. BOARDS, COMMITTEES AND COMMISSIONS: TERMINATING THE PIMA COUNTY - CITY OF TUCSON COMMISSION ON ADDICTION, PREVENTION AND TREATMENT
1. Report from City Manager MAR20-18-92 CITY WIDE
 2. Resolution No. 22873 relating to Boards and Commissions; dissolving the Pima County-City of Tucson Commission on Addiction, Prevention and Treatment; and declaring an emergency.
- h. TUCSON CODE: AMENDING (CHAPTER 22) ARTICLE V, ESTABLISHING LEAVE FOR LIVING DONORS
1. Report from City Manager MAR20-18-93 CITY WIDE
 2. Ordinance No. 11534 relating to leave and other benefits; amending Article V of Chapter 22 of the Tucson Code, relating to the leave benefit plan, to add a new Section 22-97 providing for leave for living donors; and declaring an emergency.

- i. PARKS AND RECREATION: AUTHORIZING EXECUTION OF A COMMUNITY PARTNER PLAYGROUND CONTRACT WITH KABOOM, INC. TO SECURE GRANT FUNDING
 - 1. Report from City Manager MAR20-18-100 WARD 2
 - 2. Resolution No. 22876 relating to Parks and Recreation; authorizing execution of a community partner playground contract with KaBOOM!, Inc. in order to secure grant funding to build a playground at Morris K. Udall Park; and declaring an emergency.
- j. (C8-18-03) AMENDING (CHAPTER 23B) THE UNIFIED DEVELOPMENT CODE RELATING TO AIRPORT USES
 - 1. Report from City Manager MAR20-18-98 WARD 5
- k. PIMA ASSOCIATION OF GOVERNMENTS (PAG) MANAGEMENT COMMITTEE'S RECOMMENDATIONS TO THE PAG EXECUTIVE DIRECTOR
 - 1. Report from City Manager MAR20-18-99 CITY WIDE

Vice Mayor Cunningham wanted to point out that Item i, was a KaBoom playground for the eastside at Udall Park and they were really proud of the process to which he wanted to thank Albert Elias and the Park Team for making this happen. He also said that to have a new playground put in by all volunteers was a great deal.

It was moved by Vice Mayor Cunningham, duly seconded, that Consent Agenda Items a – k be passed and adopted and the proper action taken.

Council Member Kozachik had a question with regards to Item j. He said it was the Tucson Airport land uses, where they were proposing a text amendment to incorporate aeronautical uses and to describe what they were doing with this.

Michael Ortega, City Manager, explained when this property was annexed, it was translated into the closest city zone at the time which did not allow airport uses. He said a change in the text needed to be made in the *Code* for that zone to allow for airport uses. He stated staff had been working with the airport to do that and it was not the spirit or intent when they originally annexed the property, but unfortunately the way the Code was worded, it did not allow for that so the City had to go through a formal process to change it.

Council Member Kozachik clarified if it was allowing commercial uses around airports generally.

Mr. Ortega answered it was actual airport use; it was hangers and commercial uses with in the airport itself with in the property.

Council Member Kozachik asked if it would have no intended consequences in other areas of town.

Mr. Ortega replied no this was the only zone.

Michael Rankin, City Attorney, added that since they have not had an airport located within our city limits, the text of the Code did not necessarily clearly recognize the different types of aeronautical uses associated with a major airport. So this was initiating a text amendment that would recognize those uses but would be limited to those uses that were being carried on by an international airport that was operated by the statutorily recognized airport authority, so it would be very specific to the uses that they were trying to address.

The motion to pass and adopt and the proper action taken for Consent Agenda Items a – k was passed by a roll call vote of 7 to 0.

8. ZONING: (C9-17-06) WILDCAT REALTY INVESTMENTS – 5TH AVENUE, NR-1 TO C-1, ORDINANCE ADOPTION

Mayor Rothschild announced City Manager's communication number 87, dated March 20, 2018, was received into and made part of the record. He asked the City Clerk to read Ordinance 11533 by number and title only.

Ordinance No. 11533 relating to Zoning: amending zoning district boundaries in the area on the northwest corner of Speedway Boulevard and 5th Avenue and comprising the eastern half of the project site in case C9-17-06, NR-1 to C-1; and setting an effective date.

Council Member Kozachik said that during the design process there was a concern with a neighbor to the north about access from an alley and that it was the only way to get to his house. He asked how that was resolved.

Rory Juneman, Wildcat Realty Investments, said it was one of the rezoning conditions to keep the north alley open, which was reflected in the development plan. He stated they also maintained access for all of the residents along that alley to the north with a public access easement that basically connects that north alley to Sixth Avenue. He commented that they did not anticipate a lot of traffic going through there but at least it would preserve access for all.

Council Member Kozachik stated he appreciated the outreach to the residents.

It was moved by Council Member Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to pass and adopt Ordinance 11533.

9. MAYOR AND COUNCIL DISCUSSION OF FUTURE AGENDAS

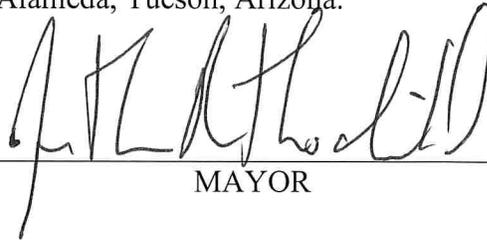
Mayor Rothschild announced City Manager's communication number 95, dated March 20, 2018, was received into and made part of the record.

Mayor Rothschild asked if there were any future agenda items.

There were no future agenda items made.

10. ADJOURNMENT: 6:33 p.m.

Mayor Rothschild announced the next regularly scheduled meeting of the Mayor and Council would be held on Tuesday, April 3, 2018, at 5:30 p.m., in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.



MAYOR

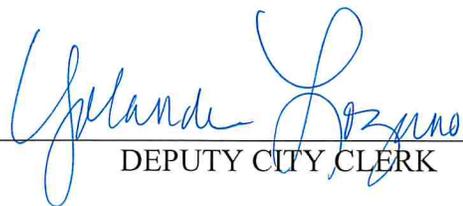
ATTEST:



CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 20th day of March, 2018, and do hereby certify that it is an accurate transcription.



DEPUTY CITY CLERK

RWR:rg:yl